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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,284	11/25/2003	Jose E. Korneluk	CE11781JSW	9078
24273	7590	11/02/2007	EXAMINER	
MOTOROLA, INC			DEAN, RAYMOND S	
INTELLECTUAL PROPERTY SECTION				
LAW DEPT				
8000 WEST SUNRISE BLVD			ART UNIT	
FT LAUDERDAL, FL 33322			PAPER NUMBER	
			2618	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/722,284

Applicant(s)

KORNELUK, JOSE E.

Examiner

Raymond S. Dean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 7 have been considered but are moot in view of the new ground(s) of rejection.

Childress teaches detecting the pressing of a push to talk button on the wireless device (Col. 12 lines 19 – 33, in order for the acquisition of the repeater to occur there must be a detection of a pressing of the push to talk button); first indicating, via a push-to-talk indicator, that a user of the wireless device may not provide audio for transmission, the first indicating occurring subsequent and in response to detecting the pressing of the push to talk button (Column 12 lines 19 – 33, the audible beep is the push-to-talk indicator) and initiating, by the wireless device, subsequent to the first indicating and in response to detecting the pressing of the push to talk button, a connection setup procedure with a wireless network (Col. 12 lines 19 – 33, the steps involved in acquiring a repeater in order to setup a communication connection is a connection setup procedure, "connection setup procedure" is a broad limitation and thus procedure involved in acquiring a repeater for the purposes of setting up a communication connection reads on said limitation).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lampe (5,568,511) in view of Childress et al. (4,658,435) and in further view of Spayth (4,013,958).

Regarding Claim 1, Lampe teaches a method on a wireless device for providing a push-to-talk indicator, comprising: detecting the pressing of a push to talk button on the wireless device (Column 6 lines 48 – 54, in order for a frequency channel and TDMA slot to be provided there must be a detection of the pressing of the PTT button); initiating, by the wireless device in response to detecting the pressing of the push to talk button, a connection setup procedure with a wireless network (Column 6 lines 48 – 54); receiving a message from the wireless network indicating establishment of a connection in response to initiating the connection setup procedure (Column 6 lines 48 – 54, the channel access signaling that provides allocation of the frequency channel and the time slot is the message received from the network); and second indicating, via a push-to-talk indicator, subsequent and in response to receiving the message indicating establishment of the connection, that the user of the wireless device may provide audio for transmission (Column 6 lines 54 – 57, the push-to-talk indicator is the alert tone).

Lampe does not teach first indicating, via a push-to-talk indicator, that a user of the wireless device may not provide audio for transmission, the first indicating occurring subsequent and in response to detecting the pressing of the push to talk button and

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initiating, by the wireless device, subsequent to the first indicating and in response to detecting the pressing of the push to talk button, a connection setup procedure with a wireless network.

Childress teaches detecting the pressing of a push to talk button on the wireless device (Col. 12 lines 19 – 33, in order for the acquisition of the repeater to occur there must be a detection of a pressing of the push to talk button); first indicating, via a push-to-talk indicator, that a user of the wireless device may not provide audio for transmission, the first indicating occurring subsequent and in response to detecting the pressing of the push to talk button (Column 12 lines 19 – 33, the audible beep is the push-to-talk indicator) and initiating, by the wireless device, subsequent to the first indicating and in response to detecting the pressing of the push to talk button, a connection setup procedure with a wireless network (Col. 12 lines 19 – 33, the steps involved in acquiring a repeater in order to setup a communication connection is a connection setup procedure, “connection setup procedure” is a broad limitation and thus procedure involved in acquiring a repeater for the purposes of setting up a communication connection reads on said limitation).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the push-to-talk indicator taught by Childress in the transceiver of Lampe for the purpose of enabling said transceiver to know when communication channels are available for transmission thus preventing said transceiver from transmitting when there are no idle communication channels as taught by Childress.

Lampe in view of Childress does not teach a non-audible push-to-talk indicator.

Spayth teaches a non-audible push-to-talk indicator (Column 11 lines 7 – 8, lines 21 – 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the non-audible push-to-talk indicator of Spayth as an alternative means for indicating to the user in the Lampe in view of Childress system that he/she can/cannot transmit on a channel.

Regarding Claim 5, Lampe in view of Childress and in further view of Spayth teaches all of the claimed limitations recited in Claim 1. Lampe further teaches the sub-step of sending a call request to the wireless network (Column 6 lines 48 – 50).

Regarding Claim 7, Lampe teaches a method on a wireless device for providing a push-to-talk indicator, comprising: first indicating, via a push-to-talk indicator, that a user of the wireless device may provide audio for transmission in the absence of an established call (Column 6 lines 48 – 57); receiving a request to join a connection setup procedure with a wireless network subsequent to the first indicating (Column 6 lines 48 – 50, the user can receive the request to join at a later time after the alert tone); receiving a message from the wireless network indicating establishment of a connection subsequent to receiving the request to join the connection (Column 6 lines 51 – 54, the channel access signaling that provides allocation of the frequency channel and the time slot is the message received from the network); receiving audio from the wireless network originating from another user on another wireless device subsequent to receiving the message indicating establishment of the connection (Column 6 lines 48 –

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57, the user can be any user); second indicating, via a push-to-talk indicator, while receiving the audio, that the user of the wireless device may not provide audio for transmission (Column 4 lines 10 – 12, typical trunked radio systems comprising PTT will generate a talk prohibit tone or alert if the user presses the PTT button while another user is speaking and has control of the floor) detecting the passage of a predefined period of time commencing upon completion of receiving audio from the wireless network subsequent to receiving audio from the wireless network (Figure 2, Column 5 lines 58 – 66, during the release window the PTT button is released thus the user can receive audio and the disconnect signal can be formatted a finite amount of time after said audio or the PTT button can be pressed if the user wants to speak again, the portion of the release window that corresponds to said finite amount of time is the predefined period of time); and third indicating, via the push-to-talk indicator, subsequent to detecting the passage of the predefined period, that the user of the wireless device may provide audio for transmission (Column 5 lines 58 – 66, Column 6 lines 54 – 57, during the release window the PTT button is released thus the user can receive audio and the disconnect signal can be formatted a finite amount of time after said audio or the PTT button can be pressed if the user wants to speak again, if the PTT button is pressed there will be an alert tone, which is the push-to-talk indicator).

Lampe does not teach first indicating, via a non-audible push-to-talk indicator, that a user of the wireless device may not provide audio for transmission in the absence of an established call.

Childress teaches first indicating, via a push-to-talk indicator, that a user of the wireless device may not provide audio for transmission in the absence of an established call (Column 12 lines 13 – 36, the user of the mobile device in can also receive an audible beep after the PTT button is pressed when the repeater is not available, the repeater enables calls to be maintained thus if the repeater is off the air or not available there will be an absence of an established call).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the push-to-talk indicator taught by Childress in the transceiver of Lampe for the purpose of enabling said transceiver to know when communication channels are available for transmission thus preventing said transceiver from transmitting when there are no idle communication channels as taught by Childress.

Lampe in view of Childress does not teach a non-audible push-to-talk indicator.

Spayth teaches a non-audible push-to-talk indicator (Column 11 lines 7 – 8, lines 21 – 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the non-audible push-to-talk indicator of Spayth as an alternative means for indicating to the user in the Lampe in view of Childress system that he/she can/cannot transmit on a channel.

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4. Claims 2, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lampe (5,568,511) in view of Childress et al. (4,658,435) in view of Spayth (4,013,958), as applied to Claims 1,7 above, and further in view of Huang (US 2004/0259586).

Regarding Claim 2, Lampe in view of Childress and in further view of Spayth teaches all of the claimed limitations recited in Claim 1. Childress further teaches indicating, via a push-to-talk indicator, that a user of the wireless device may not provide audio for transmission (Column 12 lines 19 – 33, the audible beep is the push-to-talk indicator).

Lampe in view of Childress and in further view of Spayth does not teach a push-to-talk backlit button.

Huang teaches a backlit button (Section 0021).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the PTT button of Lampe in view of Childress and in further view of Spayth with the backlight circuitry of Huang for the purpose of identifying said button, when using the transceiver in the dark or at night, more easily as taught by Huang.

Regarding Claim 8, Lampe in view of Childress and in further view of Spayth teaches all of the claimed limitations recited in Claim 7. Lampe further teaches indicating, via a push-to-talk indicator, whether the user of the wireless device may provide audio for transmission (Column 6 lines 54 – 57, the push-to-talk indicator is the alert tone).

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Lampe in view of Childress and in further view of Spayth does not teach a push-to-talk backlit button.

Huang teaches a backlit button (Section 0021).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the PTT button of Lampe in view of Childress and in further view of Spayth with the backlight circuitry of Haung for the purpose of identifying said button, when using the transceiver in the dark or at night, more easily as taught by Huang.

5. Claims 3 – 4, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lampe (5,568,511) in view of Childress et al. (4,658,435) in view of Spayth (4,013,958), as applied to Claims 1, 7 above, and further in view of Haung (US 2004/0259586).

Regarding Claims 3, 9, Lampe in view of Childress and in further view of Spayth teaches all of the claimed limitations recited in Claims 1, 7. Childress further teaches indicating, via a/the push-to-talk indicator, that a/the user of the wireless device may not provide audio for transmission (Column 12 lines 19 – 33, the audible beep is the push-to-talk indicator).

Lampe in view of Childress and in further view of Spayth does not teach a push-to-talk backlit button that is lit in red color.

Haung teaches a backlit button that is lit in red color (Section 0021, Section 0027 lines 1 – 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the PTT button of Lampe in view of Childress and in further view of Spayth with the backlight circuitry of Haung for the purpose of identifying said button, when using the transceiver in the dark or at night, more easily as taught by Huang.

Regarding Claim 4, Lampe in view of Childress in view of Spayth and in further view of Huang teaches all of the claimed limitations recited in Claim 3. Lampe further teaches indicating, via a push-to-talk indicator, that user of the wireless device may provide audio for transmission (Column 6 lines 54 – 57, the alert tone is the indicator). Huang further teaches a backlit button that is lit in green color (Section 0021, Section 0027).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lampe (5,568,511) in view of Childress et al. (4,658,435) in view of Spayth (4,013,958) as applied to Claim 7 above, and further in view of Haung (US 2004/0259586).

Regarding Claim 10, Lampe in view of Childress and in further view of Spayth teaches all of the claimed limitations recited in Claim 7. Lampe further teaches indicating, via the push-to-talk indicator, that the user of the wireless device may provide audio for transmission (Column 6 lines 54 – 57, the alert tone is the indicator).

Lampe in view of Childress and in further view of Spayth does not teach a push-to-talk backlit button that is lit in green color.

Haung teaches a backlit button that is lit in green color (Section 0021, Section 0027 lines 1 – 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the PTT button of Lampe in view of Childress and in further view of Spayth with the backlight circuitry of Haung for the purpose of identifying said button, when using the transceiver in the dark or at night, more easily as taught by Huang.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

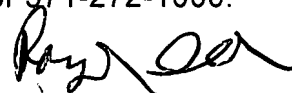
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Raymond S. Dean
October 25, 2007



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